BOMBAY ACT No. XXI OF 1954.[1]

[THE BOMBAY REPEALING AND AMENDING ACT, 1954.]

[*8th April 1954.*]

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Repealing and Amending Act, 1954.

Repeal of certain enactments.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Amendment of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE FIRST SCHEDULE.

REPEAL.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1862	IV	.. The Markets and Fairs Act, 1862.	Section 10.
1901	III	.. The Bombay District Municipal Act, 1901.	(1) In section 3, in clause (1), sub-clause (*a*) ; (2) In section 181, in sub-section (2), the words and letter "or in respect of any Municipality specified in Schedule E" ; (3) Schedule E.
1939	XXII	.. The Bombay Agricultural Produce Markets Act, 1939.	In section 5, the words, brackets and figures "and within the distance thereof notified under sub-section (2) of section 4".
1948	LXXII	.. The Bombay Khar Lands Act, 1948.	In section 3, in clause (*b*) of sub-section (2), the word "North".
1953	XLVII	.. The Bombay Sales of Intoxicants Taxation Act, 1953.	In section 14, the brackets and figure "(1)" where they occur for the first time.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 6.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1861	V	The Police Act, 1861, in its application to the State of Bombay.	(1) Section 5 shall be deleted; (2) In section 35, for the words "exercising the powers of a Magistrate" the words "of such rank as the State Government may by a general or special order, direct" shall be substituted; (3) In section 46, in sub-section (*2*), in clause (*a*), for the word "Magistrates" the words "Executive Magistrates" shall be substituted.
1888	III	The Bombay Municipal Corporation Act.	In section 412, in the marginal note, for the words "the city" the words "Greater Bombay" shall be substituted.
1898	V	The Code of Criminal Procedure, 1898, in its application to the State of Bombay.	(1) In section 10, after sub-section (*2*), the following new sub-section shall be added, namely :— "(*2A*) For the purposes of sub-section (*3*) of section 528, such Additional District Magistrate shall be deemed to be subordinate to the District Magistrate"; (2) In section 326,— (*i*) for the words beginning with the words "The Sessions Judge shall" and ending with the words "requesting him to" the words "The Sessions Judge or such Judicial Magistrate as he may appoint in this behalf shall ordinarily, seven days at least before the day which the Sessions Judge may from time to time fix for holding the sessions," shall be substituted; (*ii*) in the marginal note, for the words "District Magistrate" the words "Sessions Judge or Judicial Magistrate" shall be substituted; (3) In Schedule V, forms XXXII and XXXIII shall be deleted.
1920	XXXIII	The Identification of Prisoners Act, 1920, in its application to the State of Bombay.	(1) In section 2, in clause (*b*), the words and figures "or Chapter V of the City of Bombay Police Act, 1902" shall be deleted; (2) In section 3, in clause (*a*), the words and figures "under section 121 of the City of Bombay Police Act, 1902, or of any other offence punishable" shall be deleted;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			(3) In section 4,— (*i*) in sub-clause (*ii*) of clause (*a*), for the words, figures and letter "section 61D of the Bombay District Police Act, 1890, or under section 112 of the City of Bombay Police Act, 1902," the following shall be substituted, namely:— Bom. XXII of 1951. "section 122 of the Bombay Police Act, 1951,"; (*ii*) in clause (*b*), for the words, figures and letter "section 46 or 46B of the Bombay District Police Act, 1890, or under section 27 of the City of Bombay Police Act, 1902," the following shall be substituted, namely:— Bom. XXII of 1951. "section 55 or 56 of the Bombay Police Act, 1951,"; (4) In section 5, the words and figures "or the City of Bombay Police Act, 1902," shall be deleted; (5) In section 7, for the words "the City of Bombay" the words "Greater Bombay" shall be substituted.
1922	XXII ..	The Police (Incitement to Disaffection) Act, 1922, in its application to the State of Bombay.	In the Schedule, for the entries— "1890/IV/ The Bombay District Police Act, 1890. 1902/IV The City of Bombay Police Act, 1902" the following shall be substituted, namely:— "1951/XXII/The Bombay Police Act, 1951."
1925	V ..	The Bombay Prevention of Adulteration Act, 1925.	In section 4,— (1) for clause (*a*) of sub-section (4), the following shall be substituted, namely:— "(*a*) unless the seller on his appearing or being brought before the Court informs the Court that he intends to rely on the warranty and specifies the name and address of the person from whom he received it and furnishes the Court with a copy of such warranty within the time fixed by the Court, and"; (2) the *Explanation* shall be deleted.
1947	VII ..	The Motor Vehicles (Bombay Amendment) Act, 1947.	In section 8, for the figures, brackets and letter "64(*a*)", the figures, brackets and letter "64(*g*)" shall be substituted.
1949	XXV ..	The Bombay Prohibition Act, 1949.	(1) In section 93, in sub-section (*1*), for the words "Presidency Magistrate in the Greater Bombay and elsewhere a Magistrate of the first class" the words "Presidency Magistrate specially empowered by the State Government in this behalf in Greater Bombay, and elsewhere, a District Magistrate or Sub-Divisional Magistrate" shall be substituted;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			(2) In section 101, for the word "Magistrate", at both the places where it occurs, the word "Court" shall be substituted;
			(3) In section 127, in sub-section (*2*), for the words "a Magistrate" the words "a Magistrate having jurisdiction" shall be substituted;
			(4) In section 142, in sub-section (*2*), for the words "any Magistrate" the words "any Executive Magistrate" shall be substituted.
1950	XXIX	The Bombay Public Trusts Act, 1950.	(1) In section 77, in the marginal note, for the figures, letters and word "41, 48, 79A or 79C" the figures, letters and word "20, 41, 48, 79A, 79C or 79CC" shall be substituted;
			(2) In Schedule A, in the heading the figures ", 64" shall be deleted.
1951	XXII	The Bombay Police Act, 1951.	(1) Section 13 shall be deleted;
			(2) In sub-section (*1*) of section 21, the words "not lower in rank than that of second class" shall be deleted;
			(3) In section 74—
			(i) the words, brackets and figure "sub-section (*1*) of" shall be deleted;
			(ii) in clause (*c*),—
			(*a*) for the words, brackets and figure "sub-section (*2*) of section 6" the words, brackets, figures and letter "sub-section (*1*) of section 6B" shall be substituted;
			(*b*) for the words, brackets and figure "sub-section (*3*)" the words, brackets and figures "sub-sections (*2*) and (*3*)" shall be substituted;
			(4) In section 75, for the words, brackets and figures "sub-section (*3*) of section 6" the words, brackets, figures and letter "sub-sections (*2*) and (*3*) of section 6B" shall be substituted;
			(5) In section 77, for the brackets, figures and words "(*5*), (*6*), (*7*) and (*8*) of section 6" the brackets, figures, words and letter "(*5*), (*6*) and (*7*) of section 6B" shall be substituted;
			(6) For section 79 the following shall be substituted, namely :—
			Power of police to arrest without warrant when certain offences committed in his presence. "79. Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 117, or section 125 or section 130 or sub-clause (*i*), (*iv*) or (*v*)

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1	2	3	4
			of section 131 or clause (*i*) of section 135 in respect of contravention of any order made under section 39 or 40 " ;
			(7) In section 113, for the word " houses " the word " horses " shall be substituted ;
			(8) In section 131, for the portion beginning with the brackets and letter " (*a*) " and ending with the words " be punished " the following shall be substituted, namely :— " Whoever— (*a*) contravenes any rules or order made under section 33 or any of the conditions of a licence issued under such rule or order, or (*b*) abets the commission of any offence under clause (*a*), shall, on conviction, be punished."—
1951	XXIII	... The Bombay Separation of Judicial and Executive Functions Act, 1951.	In part II of Schedule IV, against the entry relating to the Indian Forest Act, 1927, in column 4, for the word " after " the word " for " shall be substituted.
1951	XXV	... The Bombay Legislature Members (Removal of Disqualifications) Act, 1951.	In entry 4 in the Schedule, for the words " District Rural Development Boards ; " the words and brackets " District Development Boards constituted by the State Government (by whatever name called) ; " shall be substituted.